



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/534,122

04/19/96

KATO

26M2/1115

EXAMINER

PHILIP M SHAW JR
LIMBACH & LIMBACH
2001 FERRY BLDG
SAN FRANCISCO CA 94111

ART UNIT 15	PAPER NUMBER
-------------	--------------

11/15/96

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/634,122

Applicant(s)

Kato

Examiner

A. Rao

Group Art Unit

2615



☒ Responsive to communication(s) filed on Jul 3, 1996

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 5-10, and 12-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5-10, and 12-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/180,613.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Part III DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-3, 5-10, and 12-14 as filed on 4/1/96 in Paper 14 have been considered but are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 5-10, and 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kato.

Kato discloses a picture encoding/decoding apparatus and method for forming an encoded P picture signal (Kato: figures 4 and 8), comprising: memory means for storing a first control data included in header data of a P picture to control a P picture encoding condition (Kato: column 3, lines 63-68; column 4, 1-6); comparator means for comparing the first control data with a second control data included in the next header data of another picture (Kato: column 7, lines 30-35); and means for changing the P picture encoding condition and for encoding an input signal to

a P picture according to the result from said comparator, when the first and second control data differ (Kato: column 7, lines 41-50) as in claims 1, 3, 8, 10 and 13.

Regarding claims 2, 5, 9, 12, and 14, Kato discloses that the layered header data is a GOP layer (Kato: figure 7) as in the claims.

Regarding claims 6-7, Kato discloses the use of his encoding method and apparatus in conjunction with a recording medium (Kato: column 9, lines 27-35) as expressed in claims 6-7.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honjo discloses an image encoding method, circuit, apparatus, optical disk using variable slice coding with header comparison. Siracusa discloses an apparatus for excising and inserting specific data from a compressed data stream. Yonemitsu discloses a digital data reproducing apparatus and method employing buffer memories. Sun discloses an error concealment method and apparatus. Pearlstein discloses a method and apparatus for a progressive refreshing of coded video.

Serial Number: 08/634122
Art Unit: 2615

- 4 -

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Rao whose telephone number is (703) 305-4813.

asr

asr

November 4, 1996


TOMMY P. CHIN
SUPERVISORY PATENT EXAMINER
GROUP 2600